

**CLERK'S SUMMARY AND OFFICIAL MINUTES  
BAKER ACT /INVOLUNTARY OUTPATIENT PLACEMENT  
SUBCOMMITTEE MEETING  
FEBRUARY 10, 2006**

The Baker Act/Involuntary Outpatient Placement (IOP) Subcommittee of the Mayor's Mental Health Task Force (MMHTF) met at the Rhode State Building, 401 NW 2<sup>nd</sup> Avenue, N-423, Miami, Florida 33128 at 1:18 p.m. on February 10, 2006, there being present Co-Chair Silvia Quintana, Substance Abuse & Mental Health Program Supervisor, District 11 – Florida Department of Children and Families and Co-Chair Honorable Maria Korvick, Administrative Judge of the Probate Division, 11<sup>th</sup> Judicial Circuit of Florida; (Co-Chair Representative Rene Garcia was absent); and members Honorable Lewis Kimler, Magistrate, Probate Division; Anders Madsen, Esq., Administrative Office of the Courts; Ms. Darlene Adams, Jackson Memorial Hospital Mental Health, representing Ms. Diana Salinas; Ms. Judith Robinson, National Alliance for the Mentally Ill (NAMI); Mr. Bernie Breiter, Mercy Hospital; Ms. Luvernice Croskey, New Horizons Community Mental Health Center; Ms. Tanya Barnes-Reaves, New Horizons Community Mental Health Center; Ms. Portia Newbold, New Horizons Community Mental Health Center; Ms. Yvonne McCullough, New Horizons Community Mental Health Center; Assistant Public Defender Michael Lederberg; Ms. Sandra Sorrentino, Bayview Center; Ms. Jennifer Holtz, Licensed Mental Health Supervisor, Substance Abuse and Mental Health Program; Ms. Cindy Schwartz, Jail Diversion Program, 11<sup>th</sup> Judicial Circuit Court; Mr. Tim Coffey, Assistant Mental Health Project Coordinator, 11<sup>th</sup> Judicial Circuit Criminal Mental Health Project; Ms. Jacqueline Mckeon, Cedars Medical Center; Ms. Martha Alamo, Westchester/Southern Winds Health Network; Mr. Jose Cid, Miami Behavioral; Ms. Donna Johnson, Citrus Health Network; Mr. Mario Jardon, Citrus Health Network; Mr. Kale Baker, Bayview Center; Mr. Roland Berthold, Department of Children and Families (DCF); Ms. Pat Cawley, Camillus House; Ms. Lilia Bandrich, DCF; Assistant Public Defender Hugh Keough; Ms. Joanna Cardwell, DCF; Mr. Hector Castillo, Miami Beach Health Center; Ms. Sheila Siddiqui, Department of Corrections and Rehabilitation; Ms. Jean Badio, Cedars Medical Center; Ms. Orissa Russ, Clerk of Courts; Assistant State Attorney Lourdes Roberts; Ms. Alina Perez-Sheppe, Miami-Dade County Court; Mr. Mohamed Hafidh, CHI; Ms. Emma Castillo, Bayview Center; Ms. Valda Clark Christian, Miami-Dade County Attorney's Office and Deputy Clerk Judy Marsh.

Mr. Juan Carlos Del Valle, Assistant Director for Policy and Task Force Project Supervisor, Office of the Mayor, was also present.

**1. Welcome and Introductions**

Ms. Silvia Quintana, Co-Chair, Baker Act/Involuntary Outpatient Placement (IOP) Subcommittee, called the meeting to order at 1:18 p.m.

The Subcommittee members and other participants at today's meeting introduced themselves.

## **2. Review Minutes for January 13, 2006 Workgroup Meeting**

The Subcommittee by motion duly made, seconded and carried, voted to approve the minutes of the January 13, 2006 Baker Act/IOP Subcommittee meeting.

## **3. Reports & Written Recommendations from Subcommittees:**

- **Darlene Adams for Diana Salinas – Inclusion of Liability in the Legal Issues Group Recommendations**

Not presented

- **Lourdes Roberts – Legal Review of Criteria/Target Group Recommendations**

Assistant State Attorney Lourdes Roberts advised that she had reviewed the language of the November 8, 2005 Criteria Workgroup Summary for legal sufficiency. She noted the language of the summary tracked the language in the statute and was a correct representation of the criteria that must be met for a successful prosecution of an involuntary outpatient placement petition.

The Subcommittee by motion duly made, seconded and carried, voted to accept the recommendations of the Criteria/Target Workgroup.

- **Darlene Adams for Diana Salinas (consulting with Citrus Health Network & JMH) – suggestion for Guardian Advocate Training Manual Inclusion of De-Escalation, other Skills Training Related to Safety and Universal Precautions**

Ms. Darlene Adams, Jackson Memorial Hospital Mental Health, said she would forward a report regarding de-escalation techniques and other skills training related to safety and universal precautions for guardian advocates to the Subcommittee members for their review, via Ms. Jennifer Holtz.

- **Tim Coffey & Mario Jardon – (a) Projecting cost for Implementation of IOP in District 11; cost will account for the estimated numbers of eligible recipients and corresponding cost for provider agencies; (b) Estimated cost for Demonstration Model (Recovery/Low-Demand Approach) which will include increases in services and corresponding costs for this model**

Mr. Tim Coffey, Assistant Mental Health Project Coordinator, 11<sup>th</sup> Judicial Circuit Criminal Mental Health Project and Mr. Mario Jardon, Citrus Health Network, discussed

the budget for implementing a recovery based low-demand treatment model for Involuntary Outpatient Placement (IOP) clients in the Department of Children and Families' District 11. He noted the intent was to lease an existing operational facility which would consist of 14 beds and serve up to 100 clients at an estimated cost of \$1 million. Mr. Coffey said a homeless outreach component would also be included.

Mr. Jardon said the proposed model would also include a comprehensive service delivery team which would attempt to engage and provide services to potential clients. He noted a minimum of two facilities were needed.

Judge Korvick asked that all interested and affected parties be allowed an opportunity to participate in discussions regarding the proposed facility.

Ms. Jennifer Holtz, Licensed Mental Health Supervisor, Substance Abuse and Mental Health Program, explained how the proposed model would provide outreach services versus services provided by existing programs. She noted the proposed model would provide outreach to receiving facilities and Crisis Stabilization Units (CSUs) and would engage clients who returned to the CSUs repeatedly and who refused outpatient services.

In response to comments from Ms. Judith Robinson, Ms. Holtz explained the difference between the FACT Team model and the proposed low-demand recovery model.

In response to Ms. Quintana's inquiry regarding how the proposed model would assist individuals leaving jail, Assistant State Attorney Lourdes Roberts said the receiving facilities and CSUs would be responsible for identifying clients who could benefit from services to be provided by the proposed model.

Ms. Cindy Schwartz, Jail Diversion Program, noted the Subcommittee needed to address individuals who refused services and who continued to be dangerous to the community.

Judge Korvick noted while there could be pending charges against an individual under the Diversion Program, under the Baker Act, the judge could only recommend that the individual receive treatment.

Assistant Public Defender Michael Lederberg said he had not yet seen a study which indicated that a court order for outpatient treatment would force individuals to be engaged and be compliant. He noted the Subcommittee was being asked to implement an outpatient commitment law without the necessary resources.

Ms. Yvonne McCullough, New Horizons Community Mental Health Center, concurred with the comments made by Ms. Schwartz. She noted while she agreed with the low-demand model, she did not believe this model would address all of the concerns.

Ms. Schwartz said the Baker Act addressed individuals who were non-compliant, frequently hospitalized and needed longer-term inpatient hospitalization. She noted many of these individuals would benefit from going through the Baker Act process and being placed in the Atlantic Shores facility.

Ms. Judith Robinson, NAMI, and Ms. Martha Alamo, Westchester/Southern Winds Hospital, spoke in support of treating mentally ill clients on a longer term basis.

Following discussion, the Subcommittee by motion duly made, seconded and carried, voted to adopt the proposed recovery based low-demand treatment model as amended to provide that individuals who met the IOP criteria would also be referred to the program under the proposed model.

Discussion ensued among the Subcommittee regarding the Atlantic Shores facility.

Ms. Luvernice Croskey, New Horizons Community Mental Health Center, said Atlantic Shores placed emphasis on getting patients in/out of the facility without preparing them for exiting the system. She noted this resulted in a lack of continuum of care.

Following discussion, the Subcommittee by motion duly made, seconded and carried, voted to adopt Ms. Quintana's recommendation that two additional Short Term Residential Treatment (SRT) level 2 facilities were needed. The cost of these facilities would be approximately \$1.5 million each and would serve as a middle ground for patients discharged from Atlantic Shores.

The Subcommittee by motion duly made, seconded and carried, voted to review the Department of Children and Families' District Plan which recommended two level 2 facilities at the next Subcommittee meeting.

Ms. Schwartz asked that the Subcommittee be provided with the number of residential treatment beds and the number of individuals in the mental health system. She noted this information would support the Subcommittee's needs.

Mr. Jardon suggested the role of the state psychiatric hospitals be re-examined.

Responding to Mr. Breiter's comments, Ms. Quintana suggested the Subcommittee track the recidivism rate of all the receiving facilities and recidivism through the jail as a result of mental illness.

Ms. Holtz said an another attempt would be made to poll all designated Baker Act receiving facilities to determine how many of their clients met the IOP criteria.

#### **4. Review and Discuss Joseph P. George, Jr.'s Suggested IOP Law Amendments – see handout**

Co-Chair Silvia Quintana noted Mr. Joseph George had provided the Subcommittee with proposed amendments which would limit liability to guardian advocates.

Mr. Bernie Breiter, Mercy Hospital, suggested language be included in the proposed amendments requiring accountability of guardian advocates.

Discussion ensued among the Subcommittee members regarding the proposed amendments.

Assistant Public Defender Michael Lederberg noted the Baker Act currently included a provision for the court to be involved if the decision of the guardian advocate was questioned.

Ms. Yvonne McCullogh, New Horizons Community Mental Health Center, suggested the Subcommittee adopt the paragraph from the Statute regarding guardian advocates and add it as section (1) (d).

Assistant State Attorney Lourdes Roberts said Mr. George was concerned that actions committed by the guardian advocate's ward might result in civil liability to the guardian advocate.

Following discussion, Ms. Quintana requested Assistant State Attorney Roberts review Statute 765 regarding Health Care Directives and report back to the Subcommittee.

Judge Korvick requested Ms. Roberts report back to the Subcommittee on whether there were any other exceptions that would limit the liability of any other class of individuals.

#### **5. Additional Business**

None presented

#### **6 Next Meeting**

Prior to concluding today's Subcommittee meeting, Co-Chair Quintana noted Ms. Darlene Adams would provide a report on the guardian advocate training and de-escalation techniques; Assistant State Attorney Lourdes Roberts would review Chapter 765 regarding Health Care Directives; and Ms. Joanna Cardwell would provide an inventory of all the beds funded by the Department of Children and Families.

Ms. Quintana said the next Subcommittee meeting would be scheduled for Friday, March 17, 2006 at 10:00 a.m.

**Adjournment**

There being no further business to come before the Baker Act /Involuntary Outpatient Placement Subcommittee, the meeting was adjourned at 2:57 p.m.